

HOUSE BILL 2889

By Darby

AN ACT to amend Chapter 128 of the Private Acts of 1990; as amended by Chapter 126 of the Private Acts of 1994; Chapter 55 of the Private Acts of 2018 and Chapter 12 of the Private Acts of 2019; and any other acts amendatory thereto, relative to the charter of the City of McKenzie.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 128 of the Private Acts of 1990, as amended by Chapter 126 of the Private Acts of 1994, and any other acts amendatory thereto, is amended by deleting Section 4 in its entirety.

SECTION 2. Chapter 128 of the Private Acts of 1990, as amended by Chapter 126 of the Private Acts of 1994 and Chapter 12 of the Private Acts of 2019, and any other acts amendatory thereto, is amended by deleting SECTION 6 and substituting:

SECTION 6. There shall be a Mayor, who may reside in any portion of the city and who shall be elected for a term of office of four (4) years. This election shall be held on the first Tuesday after the first Monday in November 1994, and every four (4) years thereafter.

There shall be six (6) Councilpersons, each Councilperson shall be elected for a term of four (4) years. The Mayor and six (6) Councilpersons shall be designated as the "Board of Mayor and Council." To be eligible for the office of Councilperson, a person must be twenty-one (21) years of age or older and have been a resident of the City of McKenzie for at least one (1) year immediately preceding an election.

To be eligible for the office of Mayor, a person must be twenty-one (21) years of age or older and have been a resident of the City of McKenzie for at least one (1) year immediately preceding the election in which the Mayor is elected.

The Mayor and Councilpersons shall take the following oath before entering into the duties of their respective offices:

"I do solemnly swear (or affirm) that I will support the Constitution and laws of the United States and of the State of Tennessee, and the ordinances and resolutions of this municipality, and will faithfully discharge the duties of my office without favor or fear; along for the public good, so help me God."

The compensation of the Mayor and each Councilperson is to be set and changed only by ordinance; provided, however, that if compensation is changed, the change in compensation shall not become effective during the current term of the Mayor or during the current term of a Councilperson.

SECTION 3. Chapter 128 of the Private Acts of 1990, as amended by Chapter 126 of the Private Acts of 1994, Chapter 55 of the Private Acts of 2018 and Chapter 12 of the Private Acts of 2019, and any other acts amendatory thereto, is amended by deleting SECTION 7 and substituting:

SECTION 7. The first Tuesday after the first Monday in November in each even-numbered year shall be the day fixed for the nonpartisan election of the Councilpersons. Every qualified voter who resides within the City or who owns real property located within the City is entitled to vote in the election.

The candidate for Mayor and the candidate for each Council position who receives the highest number of votes of all candidates for each position shall be declared elected. Their terms of office shall begin at ten o'clock (10:00 a.m.) on the next Tuesday after the election results have been certified by the election commission and shall continue for their term or until their successors are elected and qualified. In case of a tie vote for any candidate for such offices, a special election between the tied candidates will be held within the period of time necessary for the election commission to call the election.

A vacancy shall exist if the Mayor or a Councilperson resigns, dies, is convicted of malfeasance or misfeasance in office, a felony, a violation of this charter, the election laws of the state, or a crime involving moral turpitude, or for failure to attend any

meetings of the Council for a period of ninety (90) days with no extenuating circumstances.

If a vacancy in the office of Mayor occurs, the Vice-Mayor shall fill the vacancy for the remainder of the unexpired term or until the next regular biennial City election, whichever shall occur first. If the Vice-Mayor fills a vacancy in the office of Mayor, the Vice-Mayor's position on the Council shall become vacant and the Board shall fill the vacancy as hereinafter provided and shall select another of their number to serve as Vice-Mayor. If a vacancy in the office of Councilman occurs, the Board of Mayor and Councilpersons shall, within a period of ninety (90) days from the date of the occurrence of a vacancy, elect a qualified person to fill the vacancy for the remainder of the unexpired term or until the next regular biennial City election, whichever shall occur first. If the next regular biennial City election occurs prior to the expiration of a term, an election shall be held to fill the remainder of the unexpired term.

No candidate for office under this act shall directly or indirectly give or promise any person or persons anything of value, or any office, employment, benefit, or money for the purpose of influencing or obtaining political support, aid, or vote for any candidate in any municipal election. A violation of this provision shall be a bar to such person holding office for a period of six (6) years.

SECTION 4. This act has no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of McKenzie. Its approval or nonapproval must be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 5. For the purpose of approving or rejecting the provisions of this act, it is effective upon becoming a law, the public welfare requiring it. For all other purposes, it becomes effective as provided in Section 4.